

**ORDINANCE NO. 28605****AN ORDINANCE OF THE CITY OF SAN JOSÉ LEVYING A SPECIAL TAX FOR FISCAL YEAR 2009-2010 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO CONVENTION CENTER FACILITIES DISTRICT NO. 2008-1 CITY OF SAN JOSÉ, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA**

**WHEREAS**, the City Council of the City of San José (the “City”) has conducted proceedings under and pursuant to the terms and provisions of Chapter 14.32 of the San José Municipal Code (the “Chapter”) and, as provided therein, under the provisions of the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following of the California Government Code) as they existed at the time of the adoption of the Chapter (the “Act”), and as modified by the Chapter, to form its Convention Center Facilities District No. 2008-1, City of San José, County of Santa Clara, State of California (the “Convention Center Facilities District”), to authorize a special tax and to authorize the issuance of debt to finance the acquisition, construction, reconstruction, replacement, rehabilitation and upgrade of the San José Convention Center, and to establish the appropriations limit for the Convention Center Facilities District, all as set forth in the City Council’s Resolution No. 74826 (Resolution of Formation) and Resolution No. 74827 (Resolution Deeming it Necessary to Incur Bonded Indebtedness), both adopted on March 10, 2009 (collectively, the “Formation Resolutions”); and

**WHEREAS**, in order to confer upon the City Council the authority contained in the Formation Resolutions, a two-thirds approving vote by the qualified electors within the Convention Center Facilities District was required; and

**WHEREAS**, a special, mailed-ballot election was conducted pursuant to the City Council’s Resolution No. 74828, adopted March 10, 2009; and

**WHEREAS**, the authority contained in the Formation Resolutions was approved by the qualified electors within the Convention Center Facilities District as certified in the City Council's Resolution No. 75000 (the "Resolution Declaring Election Results"), adopted June 16, 2009.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**Section 1.** Pursuant to the Chapter and to Sections 53316 and 53340 of the Act, and the Resolution Declaring Election Results, and in accordance with the Rate and Method of Apportionment of Special Tax specified in the Resolution of Formation, a special tax is hereby levied on all taxable parcels within the Convention Center Facilities District for the 2009-2010 fiscal year and for all subsequent fiscal years in the amount of the maximum Base Special Tax authorized under, and defined in, the Resolution of Formation. The City Council may in any fiscal year, by resolution, levy the Base Special Tax at an amount less than the maximum.

**Section 2.** The City Council may levy the Additional Special Tax authorized under, and defined in, Section D of the Rate and Method of Apportionment of the Special Tax, in accordance with the terms of the Rate and Method of Apportionment of the Special Tax, by resolution.

**Section 3.** The Director of Finance of the City is authorized and directed, with the aid of the appropriate officers and agents of the City, and without further action of the Council, to administer and collect the special tax pursuant to the Rate and Method of Apportionment of the Special Tax.

**Section 4.** Taxpayers claiming that the amount of the Special Tax on their property is not correct are referred to Section J of the Rate and Method of Apportionment of the Special Tax specified in the Resolution of Formation for the proper claims procedure.

**Section 5.** If for any cause any portion of this Ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this Ordinance, and the application of the Special Tax to all other parcels, shall not be affected.

**Section 6.** Pursuant to Section 605 of the Charter of the City of San Jose, this ordinance shall take effect and be in force immediately as a tax levy.

PASSED FOR PUBLICATION of title this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk